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Right of peoples to self-determination

The rule of law at the national and international levels

Measures to eliminate international terrorism

Letter dated 23 April 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the statement issued by the Ministry of Foreign Affairs of the Republic of Cuba to mark the one-year anniversary of the unconditional release in the United States of America of the notorious international terrorist Luis Posada Carriles, which will fall on 8 May 2008 (see annex).

I should be grateful if you would have this letter and its annex issued as a document of the General Assembly under agenda items 69, 86 and 108 and as a document of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador
Permanent Representative

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Annex to the letter dated 23 April 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of the Republic of Cuba

16 April 2008

On 8 May 2008 it will be one year since the terrorist Luis Posada Carriles was unconditionally released in the United States.

Judge Kathleen Cardone handed down that ruling, dismissing the charges brought against Posada by the Government of the United States. The terrorist had been accused only of having committed fraud and having lied to Immigration and Customs Enforcement authorities in order to obtain naturalization in the United States. At the time, Judge Cardone stated that "[t]he realm of this case is not [...] terrorism. It is immigration fraud. Terrorism, and the determination of whether or not to classify an individual as a terrorist, lies within the sound discretion of the executive branch".

The United States Government has not charged Posada for his acts of terrorism, even though it has all the evidence arising from its long-standing relationship with him, as well as the evidence that Cuba has been providing since 1998.

Paradoxically, it was Judge Cardone herself who, in one of her initial rulings, highlighted the fact that Posada is a dangerous terrorist and even listed some of the many crimes committed by this malevolent individual.

Judge Cardone noted that Posada participated in some of the most abhorrent acts of the last century. The long list includes the Iran-Contra scandal, the downing of Cubana de Aviación flight 455, the bombing of tourist sites in Havana in 1997 and the planned assassination of the Commander-in-Chief in Panama in 2000.

The Ministry of Foreign Affairs condemns the complicit failure of the United States Government to act and the protection afforded to Luis Posada Carriles by the Administration of President George W. Bush.

Although it persists in styling itself as the leader of its self-proclaimed "war on terror", the United States Government continues to ignore the request for Posada's extradition, which was submitted on 15 June 2005 by the Government of the Bolivarian Republic of Venezuela.

President George W. Bush refuses to try Posada for what he really is — a terrorist — thereby blatantly violating his own legislation and his international obligations and demonstrating, once again, his personal commitment to Miami's Cuban-American mafia.

The release of the terrorist and former Central Intelligence Agency operative shows that his pedestrian trial in the United Nations is a farce.

The ridiculous and shameful efforts by the prosecution service to delay, on repeated occasions, the immigration fraud case amount to dilatory legal tactics

designed to impede the delivery of justice, which, in this case, has been postponed for an extraordinary length of time.

Those efforts are in stark contrast to the aggressive attitude of the same prosecution service when dealing with the case of our Five Heroes, anti-terrorist crusaders, some of whom were sentenced to life imprisonment during a dubious trial held before a biased court in Miami.

Meanwhile, the terrorist's legal team has been granted numerous extensions to pursue the endless immigration case, which carries no guarantee of a penalty, however minimal, for the released terrorist.

The terrorists Santiago Álvarez, Osvaldo Mitat and Ernesto Abreu have received equally lenient treatment. On 11 February 2008, Judge David Briones sentenced them to 10, 8 and 2 months' imprisonment, respectively, for having refused to testify against Posada after having brought him illegally to the United States on board the vessel *Santrina*.

The same thing happened with his accomplices, Rubén López Castro and José Pujol, who, on 17 March 2008, were sentenced by Judge Cardone on the same grounds to 10 and 3 months' imprisonment and fines of $500 and $250, respectively.

The peaceful life led by the terrorist Luis Posada Carriles in Miami, under the protection of the United States Government, is yet another item on the long list of abuses, violations and atrocities for which the Bush Administration will be remembered.

How could we forget the secret kidnapping of individuals all over the world and the sanction of torture, all on the pretext of the fight against terrorism?

With only nine months of its term remaining, it is becoming clear that the legacy of this Administration in the fight against terrorism will be hypocrisy and the lack of political will to combat that phenomenon if doing so does not benefit North American political interests.

The impunity guaranteed to Luis Posada Carriles by the United States Government is further evidence that our nation needs to defend itself against anti-Cuban terrorism originating from and funded by that country.

On 12 September 2008, our Five Heroes will have been unjustly and cruelly detained for 10 years in United States prisons for having fought against terrorism.

The Ministry of Foreign Affairs confirms that the Cuban people will continue to demand that the criminal be brought to justice.